

REMARKS

Applicant appreciates the Examiner's attention to the above referenced application. Reconsideration of the application is respectfully requested. Claims 1-30 were rejected. Applicant has amended claims 1 and 3-29 and canceled claims 2 and 30. Claims 1 and 3-29 are now pending, of which claims 1, 7, 14, and 22 are independent.

35 U.S.C. § 101 Rejection of the Claims

Claims 14-30 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject-matter. Applicant has amended claims 14-29 and canceled claim 30. Applicant respectfully submits that the rejection of pending claims 14-29 has been overcome by this amendment.

35 U.S.C. § 102 Rejection of the Claims

Claims 1-30 were rejected under 35 U.S.C. § 103(b) as being anticipated by Wu et al. (US 2004/0103391 A1). Applicant has amended claims 1 and 3-29 and canceled claims 2 and 30. Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a *prima facie* case.

Claims 1 and 3-29

Applicant's amended claims 1 and 3-6 call for *finding out a hotspot in the first type checking*, and *performing a second type checking* between a class of the object and a target class specified by the hotspot to *assert an indicator in an object header of the object to indicate a success of the second type checking at the hotspot*.

Applicant respectfully submits that Wu relates to a method of identifying a type of a software object (see, for example, claim 1). Further, Wu appears to disclose that the method includes comparing the encoded data with a value associated with a target object type to identify the type of the software object (see, for example, claim 1). Applicant respectfully submits that Wu fails to teach finding out a hotspot in the first type checking, and performing a second type checking between a class of the object and a target class specified by the hotspot to assert an indicator in an object header of the object to indicate a success of the second type checking at the hotspot, as required by claims 1 and 3-6. Rather, Wu appears to identify software object types, rather than finding out a hotspot with a first type checking and checking between a class and a target class by a second type checking.

As discussed above, Wu fails to teach or suggest finding out a hotspot in the first type checking, as required by claims 7-29. Further, Applicant respectfully indicates that Wu further fails to teach performing a second type checking between the object class and a target class specified by the hotspot to indicate by an indicator in a header of the object a result of the second type checking at the hotspot, as required by claims 7-21.

Thus, the reference does not support a *prima facie* case of anticipation, and Applicant respectfully requests that the present rejection of pending claims 1 and 3-29 be withdrawn.

CONCLUSION

Applicants respectfully request reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at (503) 439-8778. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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